

CHEMICAL AGENTS (EXCERPT)

Act 119 of 1967

752.272a Sale or distribution of device containing or dispensing nitrous oxide; prohibition; exceptions; violation; penalty; “prior conviction” defined.

Sec. 2a. (1) A person shall not sell or otherwise distribute to another person any device that contains any quantity of nitrous oxide or sell or otherwise distribute a device to dispense nitrous oxide for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system. This subsection does not apply to nitrous oxide that has been denatured or otherwise rendered unfit for human consumption or to any of the following:

(a) A person licensed under the food processing act of 1977, 1978 PA 328, MCL 289.801 to 289.810, or chapter VII of the food law of 2000, 2000 PA 92, MCL 289.7101 to 289.7137, who sells or otherwise distributes the device as a grocery product.

(b) A person engaged in the business of selling or distributing catering supplies only or food processing equipment only, or selling or distributing compressed gases for industrial or medical use who sells or otherwise distributes the device in the course of that business.

(c) A pharmacist, pharmacist intern, or pharmacy as defined in section 17707 of the public health code, 1978 PA 368, MCL 333.17707, who dispenses the device in the course of his or her duties as a pharmacist or pharmacist intern or as a pharmacy.

(d) A health care professional.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(b) If the person has 1 prior conviction, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

(c) If the person has 2 or more prior convictions, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(3) As used in this section, “prior conviction” means a previous violation of this section or a law of another state, a law of a local unit of government of this state or another state, or a law of the United States substantially corresponding to this section.

History: Add. 2000, Act 299, Eff. Jan. 1, 2001.